

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION AT MEMPHIS

FILED *Cos* D.C.
2005 MAY -2 PM 4:12
CLERK OF
U.S. DISTRICT COURT
WESTERN DISTRICT OF
TENNESSEE

CNTBAN
W.M. BARR & COMPANY, INC.)

Plaintiff,)

vs.)

NORTH AMERICAN CAPACITY INSURANCE)
COMPANY, AS SUCCESSOR IN INTEREST TO)
UNDERWRITERS INSURANCE CO AS TO)
POLICY NUMBER BCG000432)

No. 03-2969BA

Defendant-Third Party Plaintiff,)

vs.)

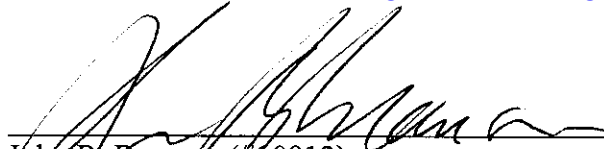
LEXINGTON INSURANCE COMPANY)

Third-Party Defendant.)

CERTIFICATE OF CONSULTATION

The undersigned certifies that he has communicated by electronic mail with counsel of record for all parties in this matter and consulted with them about this Motion, in compliance with Rule 7 of the Local Rules of this Court. They expressed no opposition to the Motion.

Respectfully submitted, this the 2 day of May, 2005.



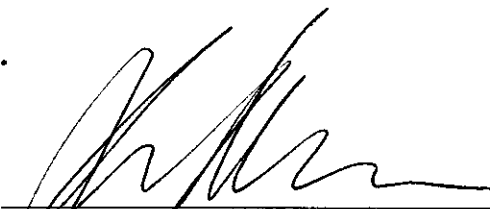
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served upon the below listed attorney of record via United States mail, postage prepaid, this the 2 day of May, 2005.

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Notice of Distribution

This notice confirms a copy of the document docketed as number 46 in case 2:03-CV-02969 was distributed by fax, mail, or direct printing on May 6, 2005 to the parties listed.

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Honorable J. Breen
US DISTRICT COURT